

# EXHIBIT 5

ANDERSON ORIGINAL COMPLAINT (ECF 1)	ANDERSON AMENDED COMPLAINT (ECF 47)	PARTIES TO THE AMENDED COMPLAINT	CLAIMS DISMISSED OR SURVIVED <sup>1</sup>	CLAIMS SURVIVED & DEFENDANTS
(¶¶ 1 to 162) Factual Allegations	(¶¶ 1 to 145) Factual Allegations	Mensah, Weber, CVMIC & City <sup>2</sup>		
Claim 1 42 U.S.C. § 1983 4 <sup>th</sup> Amendment Excessive Force (¶¶ 163 to 188) <b>(Answered)</b>	Claim 1 42 U.S.C. § 1983 – 4 <sup>th</sup> Amendment (¶¶ 146 to 172) Excessive Force <b>(No answer)</b>	PL - Estate  DF - Mensah, Weber, & City	Survived <sup>3</sup>	Claim 1 Excessive Force  Mensah, Weber, & City
Claim 2 42 U.S.C. § 1983 14 <sup>th</sup> Amendment Denial of Equal Protection (¶¶ 189 to 209) <b>(Answered)</b>	Claim 3 42 U.S.C. § 1983 – 14 <sup>th</sup> Amendment Denial of Equal Protection (¶¶ 186 to 206) <b>(No answer)</b>	PL - Estate  DF - Mensah, Weber, City	Survived <sup>4</sup>	Claim 3 Equal Protection  Mensah & City
Claim 3 42 U.S.C. § 1983 4 <sup>th</sup> Amendment Loss of Society & Companionship (¶¶ 210 to 217) <b>(Answered)</b>	Claim 4 42 U.S.C. § 1983 – 4 <sup>th</sup> Amendment Loss of Society & Companionship (¶¶ 207 to 214) <b>(No answer)</b>	PL – J.A.  DF - Mensah, Weber, & City	Dismissed (Weber)  Survived (Mensah & City)	Claim 4 Loss of Society & Companionship  Mensah & City

<sup>1</sup> See Anderson 21-cv-1179 ECF 56; Cole 22-cv-856 ECF 25;

<sup>2</sup> CVMIC became a party in the Amended Complaint (Anderson ECF 47) but was not a party in the original complaint. See Anderson ECF 1

<sup>3</sup> Defendants did not move to dismiss Mensah and the City of City from the Amended Complaint. See Anderson ECF 50 & 51.

<sup>4</sup> Parties stipulated that Weber be dismissed from this claim.

Claim 4 Wisconsin Statute Section 895.46 Indemnification (¶¶ 218 to 230) <b>(Answered)</b>  Barry, Mensah, and City	Claim 7 Wisconsin Statute Section 895.46 Indemnification (¶¶ 232 to 244)  Barry, Mensah, CVMIC & City <b>(No answer)</b>	PL - ALL  DF - Weber, Mensah, CVMIC, & City	Survived <sup>5</sup>	Claim 7 Wisconsin Statute Section 895.46 Indemnification (PL – J.A.)  Weber, Mensah, CVMIC, & City
	Claim 2 42 U.S.C. § 1983 – 14 <sup>th</sup> Amendment Failure to Train and Supervise (¶¶ 173 to 186) <b>(No answer)</b>	PL – ALL  DF – Weber & City	Survived	Claim 2 14 <sup>th</sup> Amendment Failure to Train & Supervise  City & Weber
	Claim 5 Monell Claim (¶¶ 215 to 224) <b>(No answer)</b>	PL – ALL  DF - City	Survived	Claim 5 Monell  City
	Claim 6 42 U.S.C. 1983 - Deliberate Indifference (¶¶ 225 to 231) <b>(No answer)</b>	PL – ALL  DF – Weber & City	Dismissed	Claim 6  Dismissed
	Claim 8 Direct Action Statute Wis. Stat. § 632.24 (¶¶ 245 to 248) <b>(No answer)</b>	PL – ALL  DF - CVMIC	Dismissed	Claim 8  Dismissed
	Claim 9 Loss of Society & Companionship (¶¶ 249 to 255) <b>(No answer)</b>	PL – Estate of Anderson	Dismissed	Claim 9  Dismissed

<sup>5</sup> J.A. survived this claim, and the Estate was dismissed from this claim. Anderson, ECF 56; Cole 22-cv-0856, ECF 25.

COLE ORIGINAL COMPLAINT (ECF 1)	COLE AMENDED COMPLAINT (ECF 20)	PARTIES TO THE AMENDED COMPLAINT (ECF 20)	CLAIMS DISMISSED OR SURVIVED <sup>1</sup>	CLAIMS SURVIVED & DEFENDANTS
(¶¶ 1 to 128) Factual Allegations	(¶¶ 1 to 158) Factual Allegations	Mensah, Weber, CVMIC & City		
Claim 1 42 U.S.C. § 1983 4 <sup>th</sup> Amendment Excessive Force  (¶¶ 129 to 144) (No answer)	Claim 1 42 U.S.C. § 1983 4 <sup>th</sup> Amendment Excessive Force  (¶¶ 159 to 176) (No answer)	PL - Estate  DF - Mensah, Weber, & City	Survived <sup>2</sup>	Claim 1 Excessive Force  Mensah, Weber, & City
Claim 2 42 U.S.C. § 1983 14 <sup>th</sup> Amendment Failure to Train and Supervise  (¶¶ 145 to 158) (No answer)	Claim 2 42 U.S.C. § 1983 14 <sup>th</sup> Amendment Failure to Train and Supervise  (¶¶ 177 to 196) (No answer)	PL – Estate  DF – Weber & City	Survived	Claim 2 14 <sup>th</sup> Amendment Failure to Train & Supervise  City & Weber
Claim 3 42 U.S.C. § 1983 14 <sup>th</sup> Amendment Denial of Equal Protection  (¶¶ 159 to 175) (No answer)	Claim 3 42 U.S.C. § 1983 – 14 <sup>th</sup> Amendment Denial of Equal Protection  (¶¶ 197 to 209) (No answer)	PL - Estate  DF – Weber, City, CVMIC, & Mensah	Survived <sup>3</sup>  Dismissed CVMIC <sup>4</sup> & Weber	Claim 3 Equal Protection  Mensah & City
Claim 4 Monell Claim  (¶¶ 176 to 185) (No answer)	Claim 4 Monell Claim  (¶¶ 210 to 223) (No answer)	PL – ALL  DF - City	Survived <sup>5</sup>	Claim 5 Monell  City

<sup>1</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>2</sup> Defendants did not move to dismiss Mensah and the City from the Amended Complaint for this claim. See Cole ECF 21.

<sup>3</sup> Parties stipulated that Weber be dismissed from this claim.

<sup>4</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>5</sup> Defendants did not move to dismiss this claim. See Cole ECF 21.

Claim 5 42 U.S.C. 1983 Deliberate Indifference  (¶¶ 186 to 192) (No answer)	Claim 5 42 U.S.C. 1983 Deliberate Indifference  (¶¶ 224 to 231) (No answer)	PL – ALL DF – Weber & City	Dismissed	Claim 6  Dismissed
Claim 6 Wisconsin Statute Section 895.46 Indemnification  (¶¶ 193 to 204) (No answer)	Claim 6 Wisconsin Statute Section 895.46 Indemnification  (¶¶ 232 to 244) (No answer)	PL - ALL DF - Weber, Mensah, CVMIC, & City	Survived <sup>6</sup> Dismissed CVMIC per Court <sup>7</sup>	Claim 7 Wisconsin Statute Section 895.46 Indemnification  Weber, Mensah, & City
Claim 7 Direct Action Statute Wis. Stat. § 632.24  (¶¶ 205 to 208) (No answer)	Claim 7 Direct Action Statute Wis. Stat. § 632.24  (¶¶ 245 to 248) (No answer)	PL – ALL DF - CVMIC	Dismissed	Claim 8  Dismissed
Claim 8 Loss of Society & Companionship  (¶¶ 209 to 214) (No answer)	Claim 8 Loss of Society & Companionship  (¶¶ 249 to 254) (No answer)	PL – Tracy & Albert Cole  DF - Weber, Mensah, CVMIC, & City	Survived <sup>8</sup>	Claim 9 Loss of Society & Companionship  Weber, Mensah, CVMIC, & City

<sup>6</sup> Order on the Motion to Dismiss. See Cole 22-cv-856 ECF 25.

<sup>7</sup> *Id.*

<sup>8</sup> Defendants did not move to dismiss this claim. See Cole ECF 21.